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C O N F I D E N T I A L LUSAKA 000804

SIPDIS

STATE FOR AF/S JNAMDE

E.O. 12958: DECL: 12/31/2019

TAGS: [PGOV](#) [KCOR](#) [ZA](#)

SUBJECT: ZAMBIAN NEWS EDITOR ACQUITTED OF PORNOGRAPHY CHARGE

REF: A. LUSAKA 521

[1](#)B. LUSAKA 552

[1](#)C. LUSAKA 638

[1](#)D. LUSAKA 700

Classified By: Ambassador Donald E. Booth for reasons 1.4 (b,d)

[1](#)1. (U) Lusaka Chief Resident Magistrate Charles Kafunda acquitted The Post News Editor Chansa Kabwela November 16 of "circulating obscene matters or things tending to corrupt public morals." According to media sources, Kafunda found that prosecutors failed to make their case and that photos circulated to Zambian government (GRZ) officials and civil society leaders did not "corrupt morals."

[1](#)2. (SBU) Prosecutors indicted Kabwela July 13 for sending three photos to Vice President George Kunda, Secretary to the Cabinet Joshua Kanganja, Minister of Health Kapembwa Simbao, the Archbishop of Lusaka, and the NGO Coordinating Council (NGO) executive director showing a woman giving birth outside a hospital during a June national health worker strike. (NOTE: The woman's husband took the photos while she was in labor and sent them to The Post; the baby later died. END NOTE.) Kabwela claimed she mailed the unpublished photos to underscore the lack of health service availability during the strike. GRZ officials, including President Rupiah Banda, publicly labeled the photos "pornographic" and called for Kabwela's arrest. Following the verdict, Kabwela told the press she believed her case was politically motivated.

[1](#)3. (C) COMMENT: Kabwela's unexpected acquittal is a welcome end to a politically motivated prosecution (refs A-D). The verdict appears to be an encouraging instance of judicial independence in which Kafunda ruled against the government's stated position. However, the case does not necessarily represent a reversal of the government's ham-fisted approach to press freedom and media independence. END COMMENT.  
BOOTH